IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No. 411 of 2003

Between:

A.Hanumanthu,S/o.Anjinappa,

District Organising Secretary,

Bahujan Samaj Party,

Dharmapuram, Hindupur,

Anantapur District. **..... PETITIONER**

AND

1.The District Collector, Anantapur.

2.The Environmental Engineer,

A.P. Pollution Control Board,

Regional Office, Krishna Nagar, Kurnool.

3.The Andhra Pradesh Transmission

Corporation Ltd., Hindupur, Anantapur Dist.

4.The Conservator, District Forest Department,

Anantapur, Anantapur Dist.

5.Jai Bharat Saw Mills,

rep.by its Proprietor, Parigi Road,

Hindupur, Anantapur Dist.

6.Hanuman Saw Mills,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

7.Aslam Saw Mills,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

8.Dada Peer Saw Mills,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

9.Sivakumar Saw Mills,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

10.Balaji Saw Mills,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

11.Nanjundeswara Saw Mills,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

12.Alivelu Mangavathi Saw Mills,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

13.M.S.B. Saw Mills,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

14.Mannan Wood Works,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

15.Dasthagiri Wood Works,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

16.Fakruddin Wood Works,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

17.B.A.K. Samiulla Wood Works,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

18.Narshad Wood Works,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

19.Yousuf Wood Works,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

20.Azum Wood Works,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

21.Hanuman Wood Works,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

22.Noorulla Wood Works,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

23.Basha Wood Works,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

24.Ramanjinappa Wood Works,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

25.M.S.B. Wood Works,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

26.Kalipi Baba Wood Works,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

27.Basha Wood Works,

rep.by its Proprietor,

Parigi Road, Hindupur, Anantapur Dist.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, in the nature of Mandamus, declaring the inaction of respondents 1 to 4 herein in not initiating any action against the Proprietors of Saw Mills, situated on either side of Parigi Road, Penukonda Town, Anantapur District, who are respondents 5 to 27 herein and who are causing health hazard, to the residents of Parigi Road by noise, air, and drinking water pollution with impugnity as being illegal, unjust, arbitrary and violative of Articles 14 and 21 of the Constitution of India and the provisions of Environmental Protection Act.

Counsel for the Petitioner: Mr.E.V.BHAGIRATHA RAO

Counsel for Respondent Nos.1 & 4: G.P. FOR FORESTS

Counsel for Respondent No.2: Mr. S.V.BHATT,

S.C. FOR APPCB

Counsel for Respondent No.3: Mrs.M.VINOBHA DEVI,

S.C. FOR AP TRANSCO.

Counsel for Respondent Nos.5 to 27: Mr.N.RAMACHANDRA

RAO.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Complaint in this petition filed as public interest litigation by the District Organising Secretary, Bahujan Samaj Party, Hindupur, Anantapur District, is against number of

sawmills working at Parigi Road, Anantapur District. Complaint relates to dust and noise pollution being caused.

After notice had been issued, affidavit in reply of C.Krishna Murthy, Environmental Engineer of the second respondent Board has been filed. It is stated that officials of the Pollution Control Board attended the complaint and carried out noise monitoring and air quality monitoring. We need not mention the details of show cause notices, but we will refer to the fact that Regional Office had again issued directions on 1-2-2003 under Section 31 (A) of Air (Prevention & Control of Pollution) Act, 1987 to close those industries which had not attended personal hearing and had also issued show cause notice on 1-2-2003 to those industries which did not attend for personal hearing, and again there has been inspection. There is no manner of doubt that respondent Board has taken note of the problem and proceeded in the right direction. But we would require the Zonal Officer of Pollution Control Board, Kurnool to conduct fresh survey and ensure compliance of the environmental laws and wherever it is necessary, to issue appropriate directions and ensure compliance within a time-frame and in case directions are not complied with, to pass appropriate orders for closure of the sawmills.

The Zonal Officer, Pollution Control Board, Kurnool shall initiate action to comply with the above directions within a period of two months from the date of receipt of a copy of this order.

The writ petition stands disposed of accordingly.

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(DEVINDER GUPTA, C.J.)

7th October 2004.

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(C.V.RAMULU, J.)

ARS

To

1.The District Collector, Anantapur.

2.The Environmental Engineer,

A.P. Pollution Control Board,

Regional Office, Krishna Nagar, Kurnool.

3.The Andhra Pradesh Transmission

Corporation Ltd., Hindupur, Anantapur Dist.

4.The Conservator, District Forest Department,

Anantapur, Anantapur Dist.

5.Two CCs to Govt. Pleader for Forests, High Court Bldgs., Hyderabad (OUT).

6.Two C.D. copies.